

TBK

TIEDTKE - BÜHLING - KINNE & PARTNER (GbR)

DT05 Rec'd PO

10/518242

16 DEC 2004



TBK-Patent, Bavariaring 4-6, 80336 München, Tel.: +49 89 544690, Fax: +49 89 532611 (G3) +49 89 5329095 (G3+G4), postoffice@tbk-patent.de

Via facsimile and mail (3 pages in total)

TBK-Patent POB 20 19 18 80019 München

PRV Interpat

Box 5055

102 42 Stockholm
SCHWEDEN

Patentanwälte

Dipl.-Ing. Reinhard Kinne
Dipl.-Ing. Hans-Bernd Pellmann
Dipl.-Ing. Klaus Grams
Dipl.-Ing. Aurel Vollnhals
Dipl.-Ing. Thomas J.A. Leson
Dipl.-Ing. Dr. Georgi Chivarov
Dipl.-Ing. Matthias Grill
Dipl.-Ing. Alexander Kühn
Dipl.-Ing. Rainer Böckelen
Dipl.-Ing. Stefan Klingele
Dipl.-Chem. Stefan Bühling
Dipl.-Ing. Ronald Roth
Dipl.-Ing. Jürgen Faller
Dipl.-Ing. Hans-Ludwig Trösch

Rechtsanwälte

Michael Zöbisch

July 6, 2004

PCT-Application No.: PCT/IB02/02237

Nokia Corporation

Our ref.: WO 34226

(Frist:15.07.04/Eing.)

Reference is made to the Written Opinion of the
International Preliminary Examining Authority dated April
15, 2004.

For the time being, the claims as originally filed are
maintained without amendment.

The subject-matter as defined by the presently valid claims
is held to define novel as well as inventive subject-matter
for the subsequently outlined reason.

With regard to the substantive issues of the pending
Written Opinion, the International Preliminary Examining
Authority refers to three documents out of six cited in the
International Search Report. The analysis is based on
documents D1, D2 and D3.

In this regard, it is alleged that the claimed subject-
matter lacks inventive step over the teachings of document
D1 or D2. Document D1 concerns an electronic bill pay
system and document D2 concerns a computerized system for

Dresdner Bank, München
Deutsche Bank, München
Postbank, München
Mizuho Corp. Bank, Düsseldorf
UFJ Bank Limited, Düsseldorf

Kto. 3939 844
Kto. 2861 060
Kto. 6704 3804
Kto. 810 423 3007
Kto. 500 047

BLZ 700 800 00
BLZ 700 700 24
BLZ 700 100 80
BLZ 300 207 00
BLZ 301 307 00

IBAN-Nr.: DE47 7008 0000 0393 9844 00
IBAN-Nr.: DE14 7007 0024 0286 1060 00
IBAN-Nr.: DE04 7001 0080 0067 0438 04
IBAN-Nr.: DE75 3002 0700 8104 2330 07
IBAN-Nr.: DE09 3013 0700 0000 5000 47

BIC : DRES DE FF 700
BIC : DEUT DE DB MUC
BIC : PBK DE FF
BIC : MHCB DE DD
BIC : SANW DE DX

Steuernr.: 9 148/641/28007 Ust-ID/VAT : DE 1307 480 35

JG226

making payments and authenticating transactions over the Internet.

According to the International Examining Authority, the claimed invention differs from the techniques described in these documents only by the fact that those do not explicitly describe that the method can be used for depositing a credit on an account associated to a terminal in a communication network. Rather, these documents seem to be directed to making a payment and to debiting a certain account.

However, whether debiting or crediting appears to be a similar transaction differing only by the sign of the amount concerned, i.e. "plus" or "minus".

However, for the subsequently reasons, it is strongly held that a reduction of the International Preliminary Examining Authority's analysis to this alleged similarity is - with all due respect - not fully appropriate.

Namely, the underlying method and the signalling involved with the present invention is clearly different as compared to both prior art documents, and also not derivable from a single one thereof or even from a combination thereof.

In particular, already the step of interacting as claimed yields as a result whether a credit is to be deposited or not. The International Examining Authority compares this interacting with the payment of bills between a consumer and a biller according to document D1.

However, consumer and biller even though performing a transaction which has to be paid for, cannot be compared to the interacting step. Namely, according to the claimed

invention, the interaction takes place between the terminal (consumer or biller) and a network entity such as an application server. According to document D1, the transaction to be credited/debited takes place between the consumer and the biller, thus representing two terminals. Stated in other words, according to document D1 as well as document D2, in a transaction between terminals, a bill is settled, whereas, according to the present invention, in an interaction between a terminal and a network entity, a credit to be deposited (insofar partly comparable to an amount due indicated on a bill) is generated. The method as claimed is thus clearly different from the prior art arrangements in terms of entities involved as well as in terms of signalling involved therebetween.

Already for these reasons, it is held that the claimed subject-matter is novel as well as inventive, since neither document D1 nor D2 disclose or suggest such an interacting step.

Therefore, the International Preliminary Examining Authority is respectfully invited to reconsider the previously presented objections against the allowability of the claims as on file under the regulations of the Patent Cooperation Treaty.

Competent reconsideration of the claims in the light of the above arguments is deemed to lead to a positive international preliminary report on patentability under chapter II PCT as the subsequent procedural step.

Jürgen Faller
Patentanwalt
TBK-Patent